

15  
10.01.2023  
d.p.

**In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side**

**W.P.A 13790 of 2021**

**Malay Kumar Ghoshal Kumar of Sunderbans  
-versus  
The State of West Bengal & Ors.**

**Mr. Malay Kumar Ghoshal.  
...Petitioner in person.**

**Mr. Swapan Kumar Debnath,  
Mr. Jayanta Kumar Dhar.  
...For KMC.**

**Mr. Himadri Sikhar Chakraborty,  
Ms. Debdooti Dutta.  
...For the State.**

The petitioner prays for a direction upon the respondent Kolkata Municipal Corporation to furnish copy of the sanctioned plan in respect of the building erected at 533, Diamond Harbour Road.

Learned advocate appearing for the Kolkata Municipal Corporation has filed a report before this Court signed on 17<sup>th</sup> December, 2022 by the Assistant Engineer (Civil)/Building and Executive Engineer (Building), Borough-XVI, Joka mentioning that the department inspected the site and found that there was a G+3 storied building standing at the subject premises which is in deviation of the Building Sanction plan No. 2017160320 dated 20<sup>th</sup> December, 2017.

The building is presently fully occupied without obtaining completion certificate but at present no construction work is going on. Preparation of demolition sketch plan and other departmental proceeding are continuing.

Copy of the report has been handed over to the petitioner who is appearing in person.

Learned advocate appearing for the Kolkata Municipal Corporation submits, upon instructions, that as the building sanctioned plan number and the date has been disclosed in the report, necessary steps shall be taken to furnish certified copy of the said plan, provided, the petitioner applies for the same giving full details thereof.

In view of the above, the instant writ petition is disposed of by giving liberty to the petitioner to approach the Kolkata Municipal Corporation seeking certified copy of the building sanctioned plan.

In the event such an application is made, then certified copy of the building sanctioned plan shall be provided to the petitioner positively within a period of three weeks from the date of filing the application.

The Corporation is directed to take all remedial steps to deal with the unauthorized construction and the act of the occupiers occupying the structure without obtaining completion certificate.

Steps shall be taken in the matter at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

A reasonable opportunity of hearing be granted to all the necessary parties prior to taking any further action in the matter.

There shall be no order as to costs.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

**( Amrita Sinha, J.)**